

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

A Boxed

01/18/01



UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under
37 C.F.R. 1.53(b))

| | |
|--|---------------|
| Attorney Docket No. | 0975.1005-010 |
| First Named Inventor or Application Identifier | Junming Le |
| Express Mail Label No. | EL762340516US |

| | |
|--------------------|---|
| Title of Invention | ANTI-TNF ANTIBODIES AND PEPTIDES OF HUMAN TUMOR NECROSIS FACTOR |
|--------------------|---|

| | |
|---|---|
| APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents. | ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, D.C. 20231 |
|---|---|

| | |
|--|---|
| 1. <input type="checkbox"/> Fee Transmittal Form <i>(Submit an original, and a duplicate for fee processing)</i> 2. <input checked="" type="checkbox"/> Specification Total Pages 157 <i>(preferred arrangement set forth below)</i> - Descriptive title of the invention - Cross References to Related Applications - Statement Regarding Fed sponsored R & D - Reference to microfiche Appendix - Background of the Invention - Summary of the Invention - Brief Description of the Drawings - Detailed Description - Claim(s) - Abstract of the Disclosure 3. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) Total Sheets 37 <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Informal <input type="checkbox"/> Fig. of the Drawings for Publication <input type="checkbox"/> 4. <input checked="" type="checkbox"/> Oath or Declaration/POA Total Pages 16 a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 C.F.R. 1.63(d)) <i>(for continuation/divisional with Box 17 completed)</i> [NOTE Box 5 below] i. <input type="checkbox"/> <u>DELETION OF INVENTOR(S)</u> Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b). 5. <input checked="" type="checkbox"/> Incorporation By Reference <i>(useable if Box 4b is checked)</i> The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein | 6. <input type="checkbox"/> Microfiche Computer Program <i>(Appendix)</i> 7. <input checked="" type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input checked="" type="checkbox"/> Computer Readable Copy b. <input checked="" type="checkbox"/> Paper Copy (identical to computer copy) 6 Pages c. <input type="checkbox"/> Statement verifying identity of above copies <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> ACCOMPANYING APPLICATION PARTS 8. <input type="checkbox"/> Assignment Papers (cover sheet & documents) <input checked="" type="checkbox"/> Assignee - Centocor, Inc., Malvern, Pennsylvania New York University, New York, New York 9. <input type="checkbox"/> 37 C.F.R. 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i> 10. <input type="checkbox"/> English Translation Document <i>(if applicable)</i> 11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 12. <input type="checkbox"/> Preliminary Amendment 13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> 14. <input type="checkbox"/> Small Entity Statement(s) <input type="checkbox"/> Statement filed in prior application, status still proper and desired 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> 16. <input type="checkbox"/> Nonpublication Request <i>(check parent application)</i> 17. <input checked="" type="checkbox"/> Other: <u>Remarks Letter</u> </div> |
|--|---|

| | | | |
|--|--|---|--------------------------------------|
| 18. If a CONTINUING APPLICATION , check appropriate box and supply the requisite information: | | | |
| <input type="checkbox"/> Continuation | <input checked="" type="checkbox"/> Divisional | <input type="checkbox"/> Continuation-in-part (CIP) | of prior application No.: 09/133,119 |
| Prior application information: Examiner: K. Canella | | Group Art Unit: 1642 | |

| | | | | | |
|-----------------------------------|---|-----------|----------------|----------|----------------|
| 19. CORRESPONDENCE ADDRESS | | | | | |
| NAME | Carolyn S. Elmore | | | | |
| | HAMILTON, BROOK, SMITH & REYNOLDS, P.C. | | | | |
| ADDRESS | Two Militia Drive | | | | |
| CITY | Lexington | STATE | MA | ZIP CODE | 02421-4799 |
| COUNTRY | USA | TELEPHONE | (781) 861-6240 | FAX | (781) 861-9540 |

| | | | |
|---------------------------------------|-------------------|-------------|-----------|
| Signature | | Date | 1/18/2001 |
| Submitted by Typed or Printed Name | Carolyn S. Elmore | Reg. Number | 37,567 |

PTA - EXPRESS MAIL ONLY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb,
David M. Knight and Scott Siegel

Divisional Application of

Application No.: 09/133,119
Filed: August 12, 1998

For: ANTI-TNF ANTIBODIES AND PEPTIDES OF HUMAN
TUMOR NECROSIS FACTOR

Date: 1-18-01

EXPRESS MAIL LABEL NO. EL762340516 US

REMARKS

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The above-captioned application is a divisional of application number 09/133,119, filed on August 12, 1998 to which priority is claimed under 35 U.S.C. §120.

The Specification has been revised to incorporate amendments filed in the parent application and to correct minor typographical errors and informalities. The Related Applications paragraph has been revised and updated to include the parent application and issued patents. The discussion of WEHI cytotoxicity assays of fusion proteins has been moved from Example XXVI to Example XXVII for clarity.

Three incomplete sentences in the Specification have been completed for clarity. The first two sentences of the description of Figures 31A-31C have been amended to read: "Figures 31A-31C are graphical representations showing that fusion proteins protected WEHI 164 cells from TNF α cytotoxicity. Cells were first sensitized to TNF α with actinomycin D and then incubated in 2 ng/ml TNF α with varying concentrations of TNF α overnight at 37°C." See page 15, lines 12-15. The sentence in Example XXVI bridging page 145, line 29 - page 146, line 2,

0975.1005-010

has been amended to read: "pH 730 contains coding sequences for all three constant domains of human IgG1 and was designed to accomodate the Xba1 fragments of pH707 at a unique Xba1 site upstream of the IgG1 coding sequences (Figure 28)." Support for these amendments is found in application 08/010,406 (the '406 application), filed January 29, 1993, which is entirely incorporated into the present Specification by reference (see page 1, lines 4-18 of the present Specification). Specifically, support for the amendment on page 15, lines 12-15 of the present Specification is found in the '406 application on page 8, lines 19-26, and the accompanying '406 Figures 5A-C. Support for the amendment on page 145, line 29 - page 146, line 2 of the present Specification is found on page 21, lines 31-34 of the '406 application.

The "Sequence Listing" (sheets 1/6 through 6/6) has been inserted.

Figures 16A-16B and Figures 32A-32B have been deleted and Figures 17A-31 and Figures 33A-36 have been renumbered accordingly. Formal drawings are being filed in lieu of the informal drawings originally filed with the parent application. Please note that this deletion and renumbering of the figures took place in the parent application (09/133,119), and it is being done in the instant application to be consistent. Formal Figure 32 has been revised to correct a typographical error in the figure legend.

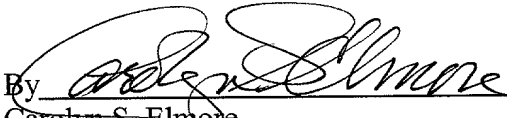
Claims 1-34 have been omitted and new Claims 1-3 have been added.

If the Examiner desires, Applicants will produce a redlined version or other comparison document comparing this application with the immediate parent thereof. No new matter has been added. As such, a copy of the declaration from the parent application is being filed herewith.

Applicants identify Claims 1-47 of U.S. Patent No. 6,015,557.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
Carolyn S. Elmore
Registration No. 37,567
Telephone (781) 861-6240
Facsimile (781) 861-9540

Lexington, Massachusetts 02421-4799

Dated: 1/18/01